



## **A G E N D A**

### **General Plan/LCP Implementation Committee**

**November 7, 2007**

**3:30 p.m.**

**City Council Chambers**

1. Approve Action Minutes from September 12, 2007 Meeting  
Attachment No. 1 3:30-3:35
2. General Plan/LCP Implementation - Master Task List  
Update From Staff and Committee Comments  
Attachment No. 2 3:35-3:45
3. Zoning Code Rewrite – Alley Encroachments  
Provide direction to staff regarding changes to regulations  
Attachment No. 3 3:45-4:15
4. Residential Parking – Spaces based on number of rooms or size?  
Provide direction to staff regarding changing requirements  
Attachment No. 4 4:15-4:45
5. Housing Element Update  
Oral report from staff 4:45-5:00
6. Items for Future Agenda 5:00- 5:10
7. Public Comments on non-agenda items 5:10- 5:20

## Attachment 1



## CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

### DRAFT ACTION MINUTES September 12, 2007

Action Minutes of the General Plan/LCP Implementation Committee held at the City Council Chambers, City of Newport Beach, on **Wednesday, September 12, 2007**

#### Members Present:

X	Ed Selich, Mayor Pro Tem, Chairman
E	Steve Rosansky, Mayor
X	Leslie Daigle, Council Member
X	Barry Eaton, Planning Commissioner
X	Robert Hawkins, Planning Commissioner
X	Michael Toerge, Planning Commissioner

#### Advisory Group Members Present:

	Mark Cross
X	Larry Frapwell
	William Guidero
	Ian Harrison
X	Brion Jeannette
X	Don Krotee
X	Todd Schooler
	Kevin Weeda
	Dennis Wood

#### Staff Representatives:

X	Sharon Wood, Assistant City Manager
X	David Lepo, Planning Director
X	Robin Clauson, City Attorney
X	James Campbell, Senior Planner
X	Gregg Ramirez, Senior Planner

E = Excused Absence

#### Committee Actions

#### 1. Agenda Item No 2 – General Plan/LCP Implementation - Master Task List

**Action:** Committee approved Task List

**Vote:** Consensus

**2. Agenda Item No 4 - Zoning Code Rewrite – Project Schedule**

**Action:** Committee directed staff to revise schedule dates per direction provided by Chairman Selich.

**Vote:** Consensus

**3. Agenda Item No 5 – Local Coastal Plan – Coastal Resource Protection Policy Review**

**Action:** Committee directed staff to revise polices and schedule public hearings for the Planning Commission and City Council.

**Vote:** Consensus

## Attachment 2

## GENERAL PLAN IMPLEMENTATION TASKS

1. Interim Zoning Resolution (including ability to require development agreements)  
*Staff, January 9, 2007 - Complete*
2. Procedures to implement single- and two-family design policies  
*Staff, March 27, 2007 - Complete*
3. Zoning Code and Specific Plan rewrite  
*Consultant, with staff input and review, January 2008*
4. CLUP amendment  
*Staff, Consultants*
  - *October 18, 2007 Planning Commission recommendation on clarification of policies re: coastal bluff development*
  - *November 13, 2007 City Council re-approval to correct notice will include clarification of policies re: coastal bluff development*
  - *November 13, 2007 City Council approval of contract with advocacy firm (D.B. Neish, Inc.)*
5. Housing Element certification by HCD  
*EIP and staff, TBD*
  - *Comments on re-submittal received from HCD September 10, 2007*
  - *Revised RHNA approved by SCAG July 12, 2007*
  - *EIP proposal for required update and certification, October 31st, 2007*
6. Park Dedication Fee (Quimby Act)  
*Staff, April 10, 2007- Complete*
7. ED Strategic Plan  
*Staff, ADE and EDC, July 10, 2007 - Complete*
8. Fair Share Fee update  
*Consultants, TBD*
  - *Staff approval of contract for nexus study ( Revenue & Cost Specialists, LLC), October 31, 2007*
  - *Nexus study completion \_\_\_\_\_, 2007*
9. Airport Area infrastructure study and fee(s)  
*ROMA and Fair Share Consultant, TBD*
10. Inclusionary Housing Ordinance and In-lieu fee  
*Consultant*

- *Affordable Housing Task Force review of updated fee study, November 13, 2007*
  - *Committee review of fee study and draft ordinance, TBD*
11. Parking Requirements and Management  
*Staff, EDC,*
    - *RFP Issued October 12, 2007*
    - *Proposals due November 9, 2007*
  12. LCP Implementation Plan  
*Staff, concurrent with/trailing Zoning Code rewrite*
  13. City Council Ordinance on development agreements  
*Staff, February 27, 2007 - **Complete***
  14. Traffic signal synchronization  
*Consultant and Public Works staff, master plan October 2007*
  15. PC rewrite/revisions  
*Property owners for major ones, their schedule*  
*Staff or consultant for smaller ones, with Zoning rewrite or second phase, TBD*
  16. Banning Ranch Pre-Annexation and Development Agreement  
*City Council, staff and property owners, TBD*
  17. Harbor Area Management Plan  
*Consultants, staff and Harbor Commission, September 2008*
  18. Run-off and Pollution Reduction Plan  
*Coastal/Bay Water Quality Committee and staff, ongoing*
  19. Database refinements and maintenance  
*Staff, refinements TBD, maintenance ongoing*
  20. Fiscal Impact Model training  
*ADE and staff, March 29, 2007- **Complete***
  21. Traffic Phasing Ordinance revision re: NBTAM  
*Staff, July 24, 2007- **Complete***
  22. Measure S Guidelines revision re: variable FAR  
*Staff, TBD*

### Lower Priority

- Municipal Code amendments re: property maintenance standards
- Building Code amendments re: green buildings  
*EQAC Energy Subcommittee, EQAC discussion November 19, 2007*
- Amend City Council Policies on historic, archaeo and paleo resources
- Funding and priority program for construction of noise barriers along arterials



## Attachment 3



# CITY OF NEWPORT BEACH

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## MEMORANDUM

TO: General Plan/LCP Implementation Committee

FROM: Gregg Ramirez, Senior Planner

DATE: November 2, 2007

RE: Zoning Code - Alley Encroachments

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In order to assure adequate paths of travel in narrow alleys, the existing Code requires *rear* alley setbacks between 3'-9" to 5' to be clear of all obstructions except, second floors on lots 85 feet deep or less, which may encroach 2.5 feet into the rear alley setback.

The Code does not contain the same "clear of obstructions" regulation for side yards that abut alleys. For these side yards, the standard regulations apply.

It has come to the attention of the Planning Department these regulations can negatively affect vehicle movement in alleys, especially those 15 feet or less in width (see Exhibit 1 for regulations and Exhibit 2 for a citywide map of alley widths). Additionally, there is the opinion of some that the second floor encroachments create a less than desirable environment in the alleys.

### **Second Floor Alley Encroachment**

The exception for a 2.5 foot second floor encroachment has proven to hinder maneuverability of trash trucks and delivery vehicles. This is especially true at corners and T intersections where incidents of vehicles striking these encroachments have occurred. For these reasons, the elimination of the second floor exception is supported by both the Public Works and General Services Departments (see attached comments).

From a Planning perspective, alleys where dwellings have built using these regulations have, in the opinion of some, created a canyon effect which blocks light and air and creates a claustrophobic atmosphere. This effect is most evident in areas with 10-foot alleys such as Newport Shores.

The areas that would be affected by a change to this regulation are Balboa Island, Balboa Village Residential, Balboa Peninsula, West Newport and Newport Shores. The attached exhibit indicates the alley width of various neighborhoods. The 10-foot alleys indicated in red and the gold alley in West Newport generally show the areas subject to this regulation.

### **Side Yard Adjacent to Alley (see exhibit no. 2)**

The code allows accessory structures such as fences, walls and planters to be placed in the side yard. This creates two issues, restricted vehicle maneuverability on 10 and 15 foot alleys and ingress and egress conflicts with properties with rear alley yards facing a side alley yard where fences and other structures have been built.

Staff has identified three options related to this matter.

1. Require side yards abutting alleys to remain clear of all obstacles. This would expand the effective width of an alley to improve maneuvering; however, there would be no separation or barrier between the side of a dwelling and the alley. Additionally, the property owner would lose use of the side yard setback area that is 7.5% of a 40-foot wide lot.
2. Increase the rear alley setback of the lots opposite the side yard from 5 to 10 feet while maintaining existing standards for the opposing side yard. This would increase the effective width of the alley increasing the maneuvering area while reducing the depth where a building can be located by approximately 6.5% of a 85-foot deep lot.
3. Allow accessory structures such as fences in side yards consistent with the standard provisions for side yards and increase the 5-foot rear alley setback to 10 feet at the alley intersection only to provide the extra space vehicles need for maneuverability.
4. Retain the existing regulations.

### **Exhibits**

1. Alley regulations
2. Setback exhibit
3. Comments from Public Works
4. Comments from General Services
5. Citywide alley width map

## **Exhibit 1 – Alley Related Zoning Code Regulations**

**20.10.030 (I)** In residential districts having alleys to the rear of lots or development sites shall maintain the following setbacks from rear property line, clear of all obstructions, except as provided in Section 20.60.030 (A-6) and Section 20.60.030 (I):

<u>Alley Width</u>	<u>Setback</u>
15' or less	5'
15'-1" to 19'-11"	3'-9"
20' or more	0'

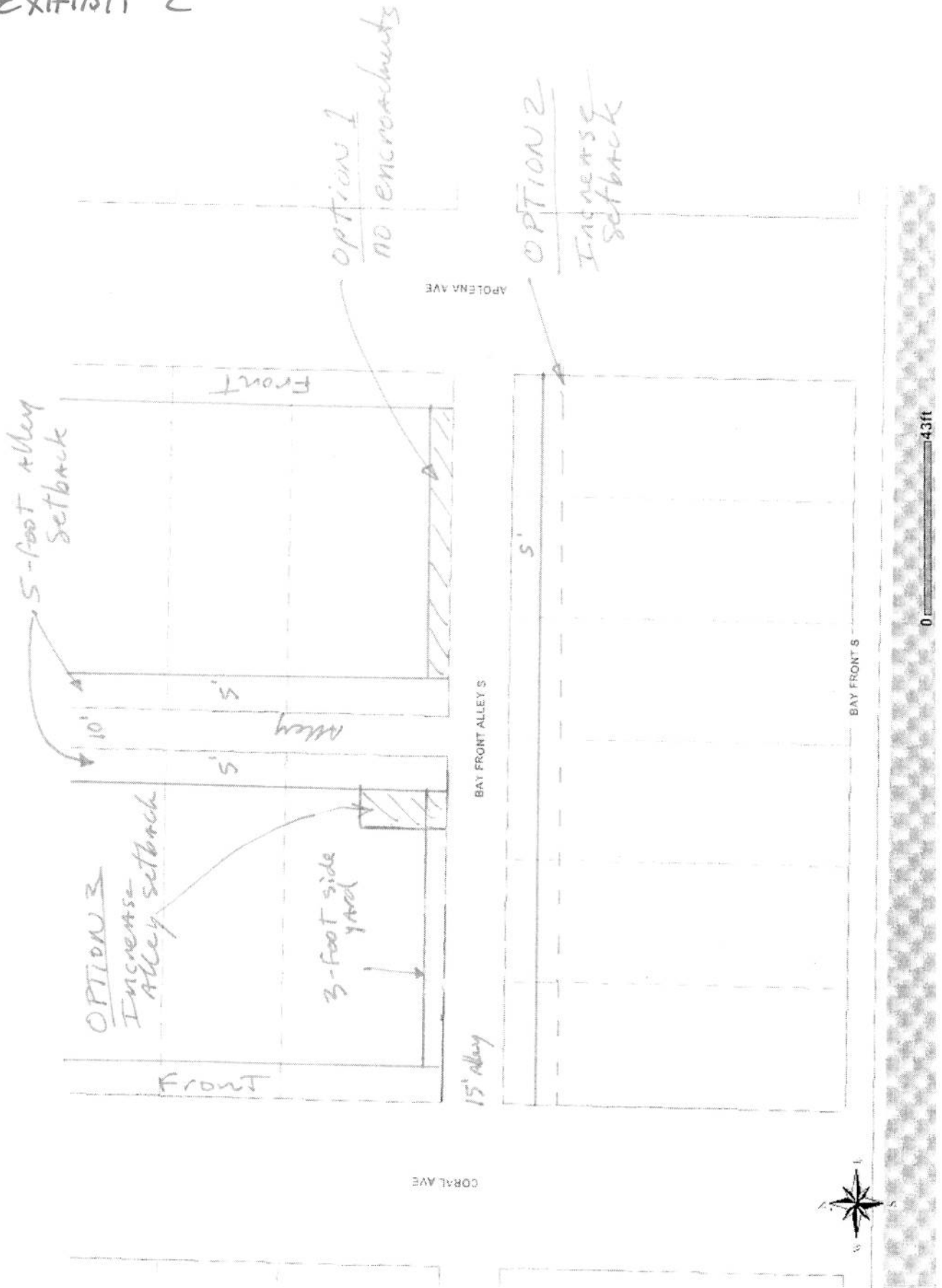
Roll-up garage doors shall be required when garage door openings are located closer than 22 feet to alleys with widths of 20 feet or more.

**20.60.030 (A-6).** **Required Sight Distances.** Fences, walls, uncovered accessory structures, and hedges shall be limited to 3 feet in height within any required front yard setback area of up to a maximum of 10 feet, that is within 60 feet of the intersection of two street rights of way. A sight distance "triangle" shall also be required for fences, walls, uncovered accessory structures, and hedges not to exceed 3 feet in height, within any required side yard setback that is within 15 feet of the intersection of a street right of way and an alley, within 15 feet of the intersection of two alleys, or within 5 feet of the corner of any intersecting street right of way and a driveway. Elevations for construction within required sight distance "triangles" shall be measured from the adjacent top of curb height.

**20.60.030(I).** **Encroachments in Residential Rear Yard Setbacks Abutting Alleys.** In residential districts having alleys to the rear of lots or development sites, a second-story projection will be permitted to encroach into the setback stipulated in Chapter 20.10, subject to the following conditions:

1. No projection may extend closer than 7'-6" to the center of any alley.
2. No projection may extend closer than 2'-6" to the rear property line.
3. That portion of the building which encroaches into the required rear yard setback shall have a minimum ground clearance of 8'-0".
4. No encroachment will be permitted on lots having a depth exceeding 85 feet.

# EXHIBIT 2





# CITY OF NEWPORT BEACH

## PUBLIC WORKS DEPARTMENT

3300 NEWPORT BOULEVARD

P.O. BOX 1768, NEWPORT BEACH, CA 92659-1768

(949) 644-3311

## MEMORANDUM

**TO:** Janet Brown  
Planning Department

**FROM:** David Keely   
Development Services

**DATE:** August 21, 2007

**SUBJECT:** Code Amendment CA2007-003 (PA2007-055)

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The following are issue related to the Encroachment in Residential Rear Yard Setbacks Abutting Alleys:

- The rear yard setbacks when adjacent to alleys are used to facilitate two directional travel in the alley. Any obstructions that would hinder the ability to accommodate two directional travel shall not be permitted. In the case of second floor encroachments within residential areas, these encroachment hinder large vehicles such as trash trucks, delivery vehicles (UPS, Fedex) are hindered in their maneuverability in areas where encroachments are permit. There have been occasions that City trash trucks clip the second floor corner of buildings as they enter, exit, and maneuver through the alley.



## General Services Department

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To: Janet Johnson Brown, Senior Planner

From: Mark Harmon, General Services Director

Date: August 21, 2007

RE: Code Amendment CA2007-003

A handwritten signature in black ink, appearing to be "Mark Harmon", is written over the "From:" line.

The General Services Department is in favor of eliminating Code Section 20-60 which currently allows the encroachment of a 2<sup>nd</sup> story into the alleyway. The department feels that these encroachments cause unsafe passageways into alleys, particularly at corner lots. In the affected locations of Balboa Island, Balboa Peninsula, West Newport and Newport Shores, City trash trucks go through these alleys once or twice a week, depending on the season. Upon entering and exiting alleys in this area, the trash truck's cab may fit under the encroachment; however the body of the truck does not, creating a situation that may cost the City money for possible repairs to the home or the truck. The elimination of this Code Section would decrease the possibility of these types of incidents on new homes, however the safety concerns would still exist on older, existing homes.







## Attachment 4



# CITY OF NEWPORT BEACH

## MEMORANDUM

TO: General Plan/LCP Implementation Committee  
FROM: Gregg Ramirez, Senior Planner  
DATE: November 2, 2007  
RE: Residential Parking Adequacy

The Land Element of the General Plan includes the following policy:

### **LU 5.1.8 Parking Adequacy**

Require that new and renovated single-family residences incorporate adequate enclosed parking in consideration of its number of bedrooms. (*Imp 2.1*)

The existing residential parking regulation requires 2 parking spaces for each dwelling unit regardless of number of rooms or square footage. In neighborhoods with front loading garages and driveways, there is no evidence of widespread parking deficiencies. Parking shortages generally occur in neighborhoods with alley-loaded garages and no driveways, where residents and guests make use of on-street parking when the garage or carport spaces are taken by vehicles or storage. The fact that the majority of these neighborhoods are located near the beach further compounds the problem during the high season when residents and visitors compete for limited parking spaces.

The general plan policy suggests that increased on-site parking requirements may improve on-street parking availability.

### **Option 1 - Required parking based on number of bedrooms**

This option requires two determinations, how many parking spaces per bedroom and how is bedroom defined. Below are four examples of definitions of bedroom.

**Bedroom.** An enclosed space in a structure that is designed such that it could be used for sleeping purposes and meets the room dimension requirements of the most recent edition of the Uniform Building Code, is not accessed directly from the garage, and has one or more windows.

**Bedroom.** Any room other than a living room, a dining room, a kitchen, or bathroom. For example, any room designated on building plan submittals as a den, library, study, loft or other extra room is considered a bedroom.

**Bedroom.** Any room at least 70 square feet or more in area in a residential structure, which is not a kitchen, dining room, living room, or bathroom. Dens, studies, or other rooms that are capable of being used for sleeping quarters that contain a closet, or to which a closet could be added, shall also be considered bedrooms.

**Bedroom.** Any space in the conditioned area of a dwelling unit or accessory structure which is 70 square feet and greater in size and which is located along an exterior wall, but not including the following: hall; bathroom; kitchen; living room (maximum of one per dwelling unit); dining room (in proximity to kitchen, maximum of one per dwelling unit); family room (maximum of one per dwelling unit), laundry room, closet/dressing room opening off of a bedroom. The Director may grant exceptions if a room, by its design, cannot function as a bedroom. Sewing rooms, dens, studios, lofts, game rooms, and any other conditioned room along an exterior wall which is 70 square feet or greater in size will be considered to be bedrooms unless the room is specifically exempted. If a home office, library or similar room is proposed, it may be exempted from being considered a bedroom if there is no closet and at least one of the following is present: a) permanently built-in bookcases, desks and other feature that encumber the room in such a way that it cannot be used as a bedroom; b) a minimum 4 foot opening, without doors, into another room; or c) a half wall (4 foot maximum height) between the room and another room. A detached building which contains only a half bath will not routinely be considered as having a bedroom unless it is specifically identified and permitted as a guest house.

Once bedroom is defined, a threshold of when a third (and possibly fourth) parking space is to be required needs to be established. Staff and the consultants believe that a third parking space for dwellings that have 5 or more bedrooms is a good place to start. Additional spaces can be required for dwellings with more than 5 bedrooms, but given the location and size of homes where this may be applied, a maximum requirement of 4 would be recommended. It must be kept in mind that an increase to space requirements will likely create many non-conforming situations and will reduce ground floor area available for habitable area.

### **Option 2 – Required Parking Based on square footage**

This option may create less confusion given that bedroom doesn't have to be defined. Since an increase in space requirements would have the greatest affect on alley-loaded lots staff looked at some typical building maximum residential floor areas for areas with alley-loaded garages. Following are examples of maximum floor areas for neighborhoods where an actual or perceived parking problem exists. The maximum floor area indicated is based on current code regulations which, includes garages. Staff and the consultants continue to work on residential development regulations that would allow similar sized buildings while being easier to administer.

Corona del Mar: 3,348 sq. ft

Balboa Peninsula: 3,840 sq. ft.

Balboa Island: 2,720 sq. ft.

Newport Shores: 4,060 sq. ft.

The consultants have sent information suggesting a 3,000 square foot dwelling may be the appropriate threshold when to require a third parking space. Beyond that, a fourth space may be required for dwellings over 4,000 square feet. Of course, the square footage included in the determination should only be habitable area and not include garage area. Therefore, by assuming a 400 square foot garage, the highest permitted square footage would be in 3,660 square feet in Newport Shores. The maximums in both Corona del Mar and Balboa Island would be below the 3,000 square foot threshold.

**Option 3 – No change to regulations**

Keep the 2 spaces per unit requirement.